

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	Civil Action No. 2:10-cv-13101-BAF-RSW
)	
and)	
)	Judge Bernard A. Friedman
NATURAL RESOURCES DEFENSE)	
COUNCIL, and SIERRA CLUB)	Magistrate Judge R. Steven Whalen
)	
Plaintiff-Intervenors)	
v.)	
)	
DTE ENERGY COMPANY, and)	
DETROIT EDISON COMPANY)	
)	
Defendants.)	

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR PARTIAL
SUMMARY JUDGMENT ON THE LEGAL STANDARDS AT ISSUE IN THIS CASE**

APPENDIX A

INDEX OF EXHIBITS

<u>Exhibit Number</u>	<u>Description</u>
1	<i>United States v. Cinergy Corp.</i> , 1:99-cv-01693-LJM-JMS (S.D. Ind.), Final Jury Instructions, Dkt. 1335 (May 21, 2008)
2	Memo from Don Clay to David Kee re: Applicability of Prevention of Significant Deterioration (PSD) and New Source Performance Standards (NSPS) Requirements to Wisconsin Electric Power Company Port Washington Life Extension Project (Sept. 9, 1988)
3	Compendium of Documents re: EPA Applications of the Routine Maintenance Exception (contains documents A-L)

- 4 Letter from Francis Lyons to Henry Nickel re: applicability determination for Detroit Edison's "Dense Pack" project at Monroe Power Plant (May 23, 2000)
- 5 Michigan New Source Review Program Review performed by U.S. EPA Region 5 (August 2004)
- 6 *In re Tennessee Valley Authority*, CAA Docket No. 00-6, Final Order on Reconsideration (Sept. 15, 2000)
- 7 Memo from John Rasnic to George Czerniak re: Applicability of New Source Review Circumvention Guidance to 3M - Maplewood, Minnesota (June 17, 1993)
- 8 Letter from Dianne McNally to Mark Wejkszner re: Northampton PSD/NSR Analysis (Apr. 20, 2010)
- 9 PSD Workbook, A Practical Guide to Prevention of Significant Deterioration, Michigan Dept. of Env'tl. Quality (October 2003) (Excerpt)